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MAY 16 2008

In re Application of	:	
SHERMAN AND MOLLENAUER	:	
Application No. 10/806,840	:	DECISION ON PETITION
Filed: 03/22/2004	:	
Attorney Docket No. 212/369	:	
Title: MODULAR CPR ASSIST DEVICE TO	:	
HOLD AT A THRESHOLD OF TIGHTNESS	:	

This is a decision on the renewed petition under 37 CFR 1.183, filed April 25, 2008, and supplemented on May 15, 2008, seeking waiver of the requirement of 37 CFR 1.64 and 1.67 that the previously signing inventor re-execute the supplemental declaration.¹

In present application, joint inventor, Darren R. Sherman, signed the originally filed declaration in the present application. However, in the final Office action of June 14, 2007, the Examiner stated that the declaration was defective and required a new declaration in compliance with 37 CFR 1.67(a). On November 14, 2007, applicants filed, inter alia, an extension of time for response within the second month and a declaration lacking the signature of Mr. Sherman. On November 28, 2007, the Office mailed a Notice of Allowability requiring Mr. Sherman's signature on the declaration.

Applicants have provided an acceptable declaration on May 15, 2008, signed by joint inventor Mollenauer on behalf of himself and the non-signing inventor. Additionally, applicants have shown that Mr. Sherman refuses to re-execute the declaration.

In view of the efforts recounted in the petition to obtain the signature of Mr. Sherman, it is agreed that justice would be served by waiving the requirement for his signature on a supplemental declaration. Accordingly, the petition is **granted**.

¹ Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

The declaration has been accepted on petition. This application does not have any Rule 1.47 status and no such status should appear in the record. This application need not be returned to this Office for any further consideration under Rule 1.47(a).

This matter is being referred to the Office of Patent Publication for issuance of the patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

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